



July 1, 1999

Ms. Ann Manning  
McWhorter, Cobb and Johnson, L.L.P.  
P.O. Box 2547  
Lubbock, Texas 79408

OR99-1837

Dear Ms. Manning:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127350.

The Three-Way Independent School District (the "district"), which you represent, received a request for the board minutes and tapes from a May 13, 1999 meeting. You assert that the requested information is from a closed meeting, and therefore, is exempt from disclosure under section 551.104(c) of the Government Code.<sup>1</sup> We have considered the exception you claim.

Section 552.101 of the Government Code excepts from disclosure information deemed confidential by law. Section 551.104(c) of the Government Code provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying *only under a court order issued under Subsection (b)(3).*" (Emphasis added.) Thus, such information cannot be released to a member of the public in response to an open records request. See Open Records Decision No. 495 (1988). The district must withhold the requested information from public disclosure under section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

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<sup>1</sup>We assume that the "minutes" to which you refer are synonymous with the certified agenda.

presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yen-Ha Le'.

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 127350

cc: Ms. Venus Holmes and Mr. Bud Holmes  
HCR 3 Box 112  
Sudan, Texas 79371